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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,516	06/27/2001	Akira Nonaka	9798423-0005	1534

7590 11/16/2005

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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/786,516

Applicant(s)

NONAKA ET AL.

Examiner

Longbit Chai

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The newly added claim 209 was clearly not present in original claims and entry of this claim language would require reopening of prosecution for additional search / reconsideration. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-209.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

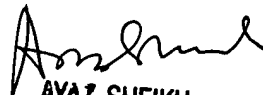
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

As per claim 41 (and related claims), Applicant asserts "Ginter neither discloses nor suggests the data providing apparatus distributing module storing content data encrypted by using content key data, encrypted content key data and encrypted usage control policy data including the handling of the content data to the data processing apparatus". Examiner notes Applicant's arguments have been fully considered but are not persuasive because Ginter teaches (a) the VDE (Virtual Distributed Environment) Content Creator (Ginter: Figure 2 Element 102) is interpreted as the data providing apparatus, (b) the logical object structure (or container) as shown in Figure 17 is interpreted as the distributing module (Ginter: Figure 17 Element 800), where the modular contains / stores digital content encrypted using content keys that are also provided in permission record's key block (Ginter: Column 130 Line 37 - 40 and Figure 17 Element 812a, 808 and 810), and (c) the modular also contains usage control policy data including the handling of the content data (Ginter: Column 15 Line 14 - 38), and they are always encrypted and authenticated for security reasons (Ginter: Column 139 Line 26 - 27 and Figure 23), and (d) the secure communication means employing encrypted transmission between secure subsystems (Ginter: Column 12 Line 33 - 39) and are delivered to the data processing apparatus (Ginter: Figure 2 Element 112: the VDE Content User is interpreted as the data processing apparatus). Therefore, Ginter does teach the data providing apparatus distributing module storing content data encrypted by using content key data, encrypted content key data and encrypted usage control policy data including the handling of the content data to the data processing apparatus and as such applicant's arguments are respectfully traversed.

As per claim 1 (and related claims), Applicant asserts "Ginter neither discloses nor suggests the data providing apparatus sends a usage control policy data and requests the management apparatus to certify legitimacy of the usage control policy data or the management apparatus registers and services the usage control policy data from the data providing apparatus, and certifies the legitimacy of the usage control policy data in response to a request from the data providing apparatus". Examiner notes Applicant's arguments have been fully considered but are not persuasive because (a) Ginter is relied upon to teach the data providing apparatus (Ginter: Figure 2 Element 102: the VDE (Virtual Distributed Environment) Content Creator is interpreted as the data providing apparatus) that provides a usage control policy data (Ginter: Column 15 Line 14 - 38) and (b) Park is relied upon providing the management apparatus (Park: Abstract Line 6 - 7 and Page 6, 5th Para: The independent software registration servers, which are open to all software product manufacturers, is thereby interpreted as the management apparatus and the software license file information includes product ID, price, prerequisite software, etc and thereby is qualified as software usage control policy data and, besides, the software license file is digitally signed by software registration server using the secret key of a software registration server (Park: Abstract Line 6 - 7) and thereby the registration server certifies legitimacy of the usage control policy data. Therefore, Ginter in view of Park does teach the data providing apparatus sends a usage control policy data and requests the management apparatus to certify legitimacy of the usage control policy data or the management apparatus registers and services the usage control policy data from the data providing apparatus, and certifies the legitimacy of the usage control policy data in response to a request from the data providing apparatus and as such applicant's arguments are respectfully traversed.

As per claim 17 (and related claims), Applicant asserts "Ginter neither discloses nor suggests a data processing apparatus receives a module storing both content data and encrypted content key data or the data processing apparatus determines the handling of content data based on the related decrypted usage control policy data". See the same reasons as that set forth above in claim 41..


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